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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,730	02/08/2001	Hong-Sam Kim	P56295	6891

7590 12/09/2004

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EXAMINER

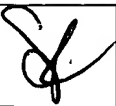
LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/778,730	Applicant(s) KIM ET AL. 	
	Examiner Jacob Lipman	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-9,13-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Lord, 5,198,806, as outlined in the prior office action.
3. Claims 1, 4, 7, and 8, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Na, US Patent number 6,366,957.

With regard to Claims 1, 4, 7, and 8, Na discloses a method of operating a computer by remote controller (column 3 lines 1-5) including transmitting a first security code stored in the remote controller to the computer (column 3 lines 5-10), checking to see if the first security code matches a second security code stored in the computer (column 3 lines 10-13) and converting from a standby mode, which is also acting as a screen saver, to a normal mode when the security codes match (column 3 lines 13-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2134

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Na.

With regard to claims 3 and 9, Na discloses the method of claim 1, as outlined above, but does not mention the network being wireless. The examiner takes official notice that wireless networks are common. It would have been obvious to use a wireless network in Na's remote wake-up method for easy of setup.

With regard to claim 20, the wireless control is determined to be wireless as outlined above, and the wake-up signal is inherently sent when a button is pressed.

With regard to claims 21 and 22, Na does not mention the network device could be handheld. The examiner takes official notice that handheld computers are well known, and it would have been obvious to one of ordinary skill in the art to make the network device handheld to increase portability. The examiner also points to In Re Lindberg, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952), which states that making something portable is a modification that's is within the level of ordinary skill in the art.

6. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, US Patent number 4,754,268, in view of Rathbone.

With regard to claim 16, Rathbone discloses a screen saver (page 167 paragraph 7), which will be revived if a signal from a mouse is received, but does not disclose the mouse is wireless, and only works if sent data matches corresponding data

Art Unit: 2134

in the computer. Mori discloses a wireless mouse (column 1 lines 48-54) that sends a frequency that only operates computers with matching frequency (column 1 line 58-column 2 line 7). It would have been obvious to one of ordinary skill in the art to combine Mori's wireless mouse in Rathbone's description of Microsoft Windows 95, for Mori's stated motivation to make the mouse more convenient to use (column 1 lines 20-47).

With regard to claim 17, Mori discloses that a mouse controls a computer (column 2 line 66-column 3 line 4).

With regard to claim 18, Rathbone discloses that once out of screen saver, the user is prompted for a password (page 168 paragraph 3).

Allowable Subject Matter

7. Claims 10-12 and 19 are allowed.

Response to Arguments

8. Applicant's arguments filed 10/6/2004 have been fully considered but they are not persuasive.

With regard to applicant submitting that "remote controllers are wireless and handheld", the examiner points to new claim 22. Claim 22 states "the remote controller being a wireless hand held remote controller", which inherently states that there are remote controllers that are not handheld and wireless. Claim 3 and 21 take each limitation individually, showing a remote controller can be neither handheld nor wireless. Applicant shows an example of a handheld wireless remote controller, and the examiner agrees that it is well known that remote controllers are often handheld and wireless,

Art Unit: 2134

but this does not show that they must be, and are inherently so. Applicant also supplies a definition of a "remote control", and while this is not the term in the claims, the examiner has submitted another dictionary definition from The American Heritage College Dictionary. The dictionary defines a remote control as, "the control of an activity, process or machine from a distance, as by radioed instruction or coded signals. 2. A device used to control an apparatus or machine from a distance". This definition does not specify that a remote controller is inherently hand held or wireless, as applicant discloses in claims 3, 21, and 22.

With regard to applicant's argument that in claims 16-18 "the remote control sends a password", the examiner found no mention of a password in these claims.

With regard to applicant's challenge of the examiner's official notice that wireless networks are common, the examiner pointed in the advisory action to Microsoft's Computer Dictionary, 3rd Edition. Microsoft defines a wireless LAN as a network that does not require a physical connection between nodes and a hub (page 510).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3738. The examiner can normally be reached on 7:00 - 4:00 (M-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL


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